

# HERSTORY OREGON SURVEY

## INTIMATE PARTNER VIOLENCE AND TRAUMA

### INTRODUCTION

In the winter of 2017 and the spring of 2018, the Oregon Justice Resource Center's Women's Justice Project and Portland State University's Department of Criminology and Criminal Justice surveyed more than 140 incarcerated women about their experiences through the criminal process – from arrest to sentencing, from intake in CCCF to their thoughts about their future release from prison. The survey was possible because of the cooperation of Coffee Creek Correctional Facility (CCCF) and the courage of many of the women incarcerated there. The HerStory Oregon Survey was a two-part written survey.

Criminal systems were not designed with women in mind and there is often little to no consideration by decisionmakers and stakeholders of how women experience the system. The purpose of the HerStory Oregon Survey was to hear directly from women and identify problematic trends in their treatment in Oregon's criminal system. The intent is to use this information to highlight for stakeholders, decisionmakers, and the community needs for a fairer and more just criminal system.

To our knowledge, this is the first survey of its kind conducted in Oregon. As such, despite interest from many women in CCCF in participating and the

full support of CCCF administration and staff, we encountered logistical barriers and were unable to survey as many women as hoped. 142 women participated in part one of the survey and 66 women in part two. As of February 2019, there were 1221 women incarcerated at CCCF. [Demographic information about participants can be found at our website.](#)

We recognize that the number of women who participated in the survey is not a large enough sample size for results to be statistically significant. We are working with CCCF to conduct this survey again, learning from our first experiences, to gather results from a larger sample. However, the number of participants is sizable enough and the trends strong enough, that we feel it is important to share our results at this time, to not delay highlighting the needs of women in Oregon's criminal system, and to lift up the brave voices of the many women who participated.

The results from the survey will be shared through a series of information sheets. The goals of the information sheets are to recognize, briefly describe, and provide initial resources and recommendations regarding issues in the criminal system of concern as revealed by the survey results.



## INTIMATE PARTNER VIOLENCE AND OTHER TRAUMAS AS CONTRIBUTING FACTORS TO INVOLVEMENT WITH THE CRIMINAL SYSTEM

The survey results revealed the prevalence of intimate partner violence,<sup>1</sup> as well as other histories of trauma, as contributing factors in the women's arrests and experiences in the criminal process.

65%

of the women in a relationship at the time of arrest reported experiencing abuse in their relationship.

44%

of the women in a relationship at the time of arrest said the relationship contributed to their conviction.

69%

of the women said that trauma led to their involvement in the criminal justice system.

### NOTE ON TERMINOLOGY

"IPV [intimate partner violence] refers to any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship. Examples of types of behaviour are listed below:

- Acts of physical violence, such as slapping, hitting, kicking and beating
- Sexual violence, including forced sexual intercourse and other forms of sexual coercion
- Emotional (psychological) abuse, such as insults, belittling, constant humiliation, intimidation (e.g. destroying things), threats of harm, threats to take away children
- Controlling behaviours, including isolating a person from family and friends; monitoring their movements; and restricting access to financial resources, employment, education or medical care."

"The term 'domestic violence' is used in many countries to refer to partner violence but the term can also encompass child or elder abuse, or abuse by any member of a household. 'Battering' refers to a severe and escalating form of partner violence characterized by multiple forms of abuse, terrorization and threats, and increasingly possessive and controlling behaviour on the part of the abuser."

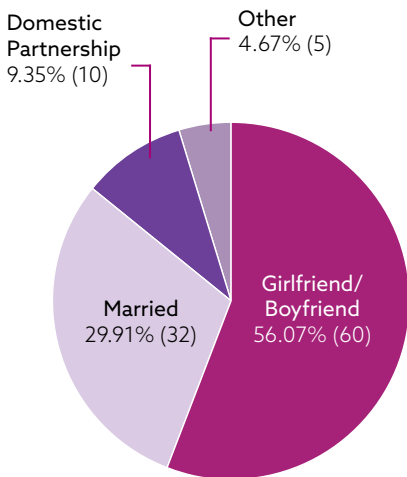
World Health Organization and Pan American Health Organization (2012)

RESULTS FROM PART ONE OF THE SURVEY  
(142 participants)

76%

or 107 of the women reported being in a relationship at the time of the arrest.

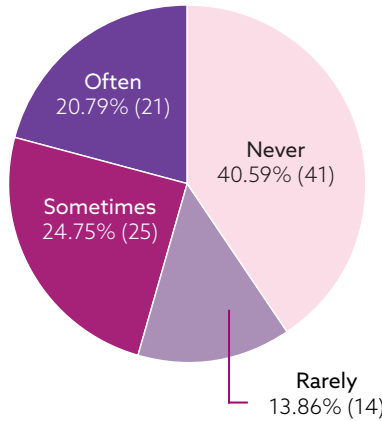
TYPE OF RELATIONSHIP



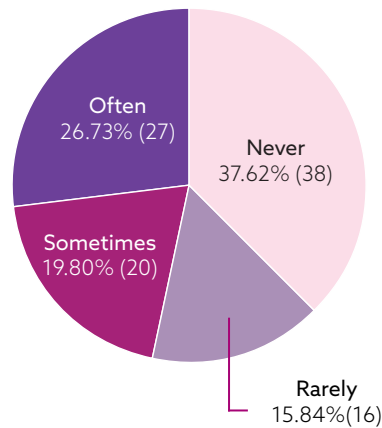
65%

or 69 of the women in a relationship at the time of arrest reported experiencing abuse in their relationship.

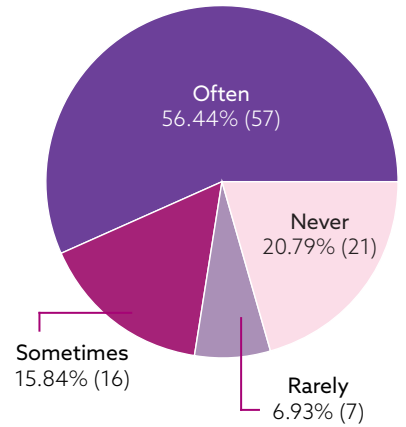
How often did they hit, kick, punch, push, or slap you?



How often did they threaten to harm you?



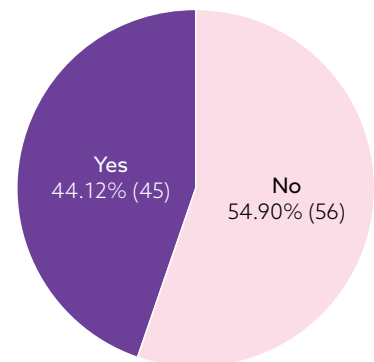
How often did they insult you?



44%

or 48 of the women in a relationship at the time of arrest said the relationship contributed to their conviction.

Were you scared of them?\*



\*One respondent (0.98%) said they did not know.

If you were in a relationship when you were arrested, what is the current status of that relationship?

1/3

still together

1/2

not together

1/6

have a working relationship because of children/other

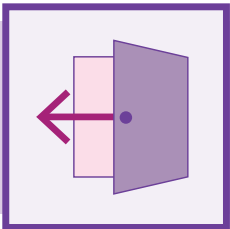
Some of the women provided brief descriptions of how the intimate partner violence contributed to their convictions. We identified the following common traits within their descriptions.



Women described the involvement of drugs and alcohol: using drugs or alcohol regularly with their abusive partners to “self-medicate,” or committing crimes to support their drug use as well as their partners’.



Women reported committing crimes to financially support themselves because the abusive relationships left them homeless or without money and resources.



Women expressed needing to do what they could to escape the relationship.



Women described being held accountable for crimes in place of their partners. They expressed the influence of threats by their partners or a sense of fear of and pressure from their partners.



Women reported that their partners also abused their children and/or used their children to have control in the relationship.



## WHAT WOMEN SAY *about intimate partner violence*

### SELECTED QUOTES FROM THE HERSTORY OREGON SURVEY

“He was abusive and I needed and wanted to get out from him. Very verbal and the physical was getting worse everyday.”

“I was made homeless due to the domestic violence I was experiencing daily.”

“My boyfriend was very abusive + an alcoholic and started using a needle as well and I used [steal] stuff to support our habit.”

“My then husband had been abusing me for 22 years and was abusing our children.”

“I had to do what I was told by him, he beat me, threatened me and my children. [He] wouldn't let me leave with both kids, always kept one so I would have to come back. D.V. was my defense at trial.”

“He beat me up, took my \$4,300. I was selling his stuff to get my money back & I got arrested for property crimes. They dropped his case!”

“My ex-husband told me that I would get less time [than] him if I took all the charges & he was also very abusive.”

“My husband abused me. The state took my kids. I self-medicated, committed my crimes. [I] got caught, got clean, was getting my kids back and they gave me [?] years.”

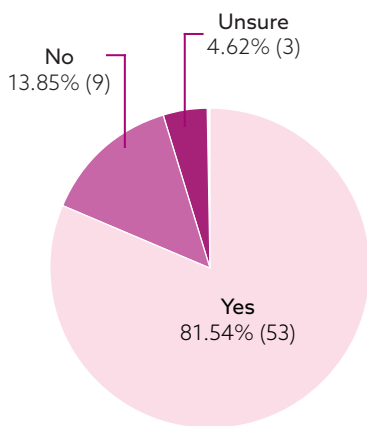
“Both my husband and boyfriend assaulted my victim before I shot him. I was the only one charged with a crime.”

“It was domestic violence. My husband was hurting my children. We both worked at a domestic violence shelter. We both used drugs. I told the truth. He lied and people believed him.”

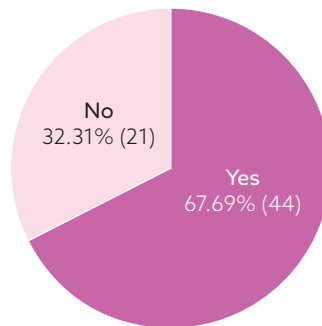
## RESULTS FROM PART TWO OF THE SURVEY (66 participants)

Part one of the survey included questions which gave us data about the trauma of intimate partner violence at the time of the arrests and its relationship to the convictions. In part two of the survey, for which we had a smaller sample size of 66, we asked women about their histories of other types of trauma and how trauma contributed to their convictions. The majority of the women who answered these trauma questions indicated that they experienced abuse as a child or teenager and/or as an adult.

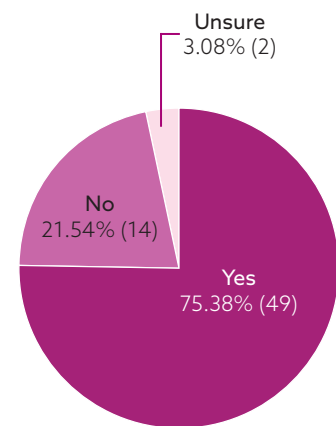
### Were you ever emotionally abused as a child/teenager?



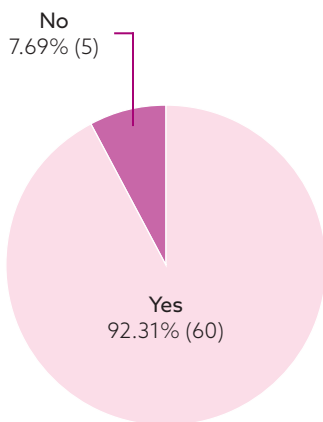
### Were you ever physically abused as a child/teenager?



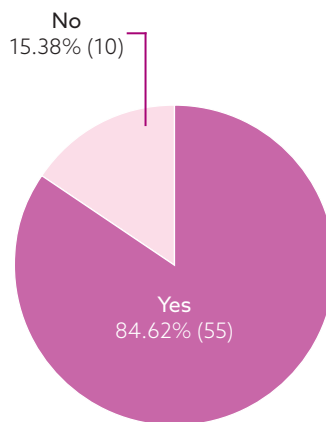
### Were you ever sexually abused as a child/teenager?



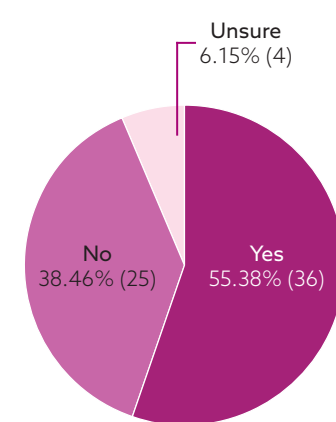
### Were you ever emotionally abused as an adult?



### Were you ever physically abused as an adult?



### Were you ever sexually abused as an adult?



# 72%

or 41 of the women reported experiencing other types of trauma. Many said they witnessed an overdose or suicide. The other types of trauma experienced were of a wide variety.

# 69%

or 45 of the women said that trauma led to their involvement in the criminal justice system.





## WHAT WOMEN SAY *about trauma*

### SELECTED QUOTES FROM THE HERSTORY OREGON SURVEY

“Trauma caused me to numb the pain with drugs. Drugs caused me to commit crime. Crime is why I’m here.”

“I started using drugs & running away from foster homes because I wanted a family to love me, then I turned into a vigilante.”

“Not feeling worth, emotional abuse, drank to stuff my feelings, each time it was a relationship and cops involved.”

“It started as a child with emotional and sexual abuse from my parents and continued throughout my marriage. I had no self-worth/esteem. Perceived I need to be someone else in order to fit in.”

“Past abuse was never addressed until now. I didn’t realize how it’s been affecting me ‘til now and I didn’t realize I was repeating the abuse by getting into bad relationships that caused me to make bad choices. Who I was with reflected how I was living my life and if I had drugs/alcohol in my home. They would destroy me as a woman, until I did not have the strength to keep myself afloat anymore.”

“My ex-husband was very sexually and emotionally abusive. He encouraged my addiction to amphetamines and pressured me into sexually abusing my daughter with him. I was afraid of him. I thought I was saving my daughter’s life.”

Also in part two of the survey, we asked, “What services, programs or assistance do women need but are not offered in CCCF?” Their responses included the following:

- “There should be more to help abuse victims”
- “Trauma counseling”
- “Domestic violence awareness/education/support/therapy programs”
- “More abuse recovery, education opportunities i.e. college classes, employment skills”
- “Domestic violence, confidence building, mothering and family structures”
- “More abuse survivor classes, adult children of alcoholics, dysfunctional families (12 step program), relationship classes”
- “I’ve been here for almost 12 years (20 day break) and I can’t believe the amount of broken women. There are no D.V. classes, self esteem classes, and no realistic re-entry classes.”



## BRIEF DISCUSSION

The prevalence of intimate partner violence and other traumas as contributing factors to the surveyed women's entry in and experiences through the criminal system is consistent with other research nationally and in Oregon.

Throughout the U.S., “[m]ultiple studies indicate that between 71% and 95% of incarcerated women have experienced physical violence from an intimate partner. Many have experienced multiple forms of physical and sexual abuse in childhood and as adults.”<sup>2</sup>

The few studies conducted in Oregon suggest that many women involved in the criminal system in Oregon have histories of abuse.

In 2015, of the women who completed a “self-report intake survey” at CCCF, 40.1% reported experiencing physical abuse as a child, 47.7% reported experiencing sexual abuse as a child, and 45.9% reported witnessing parents or caregivers hit or strike each other.<sup>3</sup>

A 2002 Multnomah County report, *Battered Women Offenders in the Criminal Justice System: Analysis of Needs and Response for Multnomah County, Oregon*, stated, “[l]ocal data indicate that more than a quarter of women under probation supervision report being emotionally or physically abused, usually by a close friend, family member or intimate partner. Beyond that, we have very little specific information about the number or percentage of women in the Multnomah County criminal justice system who are also current or

past victims of domestic violence.”<sup>4</sup> The report assessed the needs of “battered women offenders” in Multnomah County, reviewed services available, and made recommendations of how stakeholders could better intervene and assist battered women offenders.

A study of health needs of women in the Multnomah County jail, published in 2001, found that of the 199 women interviewed, 67% reported a history of sexual abuse and 79% reported a history of physical abuse.<sup>5</sup>

Numerous studies in the U.S., dating as far back as the 1980s, “observed high rates of victimization that link violence in women’s lives to their entry into the criminal justice system as defendants.”<sup>6</sup> Crimes charged or committed by victim-defendants are of a wide range, including drug-related crimes, property crimes, i.e. theft and identity theft, and person crimes, e.g. sexual assault and murder.

Further research has been conducted to better understand the pathways from victimization to involvement in the criminal system for women as defendants. Melissa Dichter, in a research update published in 2015, synthesized the research and described the following direct pathways:<sup>7</sup>

- “[A] woman uses violence in direct response to her experience of violence or abuse, to protect herself or others, or to otherwise fight back.”
- “[C]oercion by an abusive partner to participate in crime or take the blame for crime one hasn’t committed.”<sup>8</sup>



- “[A]busive partners falsely accuse women of criminal activity and manipulate the criminal legal system to entrap women into arrest and incarceration.”<sup>9</sup>

Dichter also summarizes the indirect pathways concluded in the research:

- “Violence and abuse, especially from a caregiver or partner, often lead to both psychological trauma and social isolation, depleting social and personal resources. The effects of these impacts may then lead to increased risk of engagement in criminalized activities and increased vulnerability to arrest, prosecution, and sentencing to incarceration.”<sup>10</sup>
- “Women and girls may use drugs as a mechanism of self-medicating to cope with psychological and physical pain caused by violence and then be arrested and incarcerated for drug-related offenses, including attempts to gain financial resources to support a violence-related drug addiction.”<sup>11</sup>
- Victimization “can impose impediments to employment and financial independence, leading women to seek alternative means of economic resources.”<sup>12</sup>

Published in 2007, research conducted in Lane County, Oregon, looked at the domestic violence experiences of women in Lane County who were under correctional supervision. 14 women were selected to participate in in-depth in-person interviews to “further investigate women’s perceptions of the role of intimate partner violence in their criminality.”<sup>13</sup> The researchers found that the women experienced “intimate terrorism,” “a pattern of tactics, including physical violence, sexual

assault, emotional degradation, financial exploitation, and harassment, as a means of being controlled by their partners.”<sup>14</sup> 71% of the women reported “committing a crime because they were threatened by a partner or spouse.” Threats included not only physical violence against the women, but also threats related to children and family members. At similar rates, the women reported committing crimes to get drugs for their partners;<sup>15</sup> admitting to crimes committed by their partners;<sup>16</sup> and lying to law enforcement to hide a crime committed by their partners.<sup>17</sup> Women also reported admitting to crimes they did not commit for the purpose of going to jail as a respite from the abuse.<sup>18</sup>

Furthermore, research and case examples indicate many challenges and injustices that women with histories of trauma and victimization experience through *all* stages of the criminal system. This is particularly true for women defendants who were battered by a partner. Here are a few examples:

- **AT ARREST:** A police officer arrests the victim of battering after signs that the victim used physical force against her abusive partner in response or in anticipation of further harm.
- **AT CHARGING:** Once charged with a crime, a victim of domestic violence faces various barriers to finding or utilizing domestic violence services that meet her need because of her involvement in the criminal system as a defendant.<sup>19</sup>
- **PRE-TRIAL:** A defendant who has experienced trauma is not able to engage with her defense attorney in a way that is helpful to her case because she is unwilling to disclose or unable to adequately describe the trauma and its relationship to the crime, or her actions and decisions are controlled



by her abusive partner.<sup>20</sup>

- **CONVICTION/SENTENCING:** A woman coerced by an abusive partner to be a part of a crime, even to the “smallest degree,” is convicted and sentenced as the primary actor of the crime because of the low threshold required to satisfy accomplice liability — a principle under which a court can find a person liable for a crime.<sup>21</sup>
- **TRIAL/CONVICTION/SENTENCING:** Common myths and misconceptions held by jurors about a battered woman defendant who is asserting a defense such as duress unjustly affect the outcome of the trial when expert testimony is not well presented. This results in the battered woman serving years in prison following years of abuse by her partner.<sup>22</sup>
- **SENTENCING:** Once convicted of a crime carrying a mandatory minimum sentence, i.e. a Measure 11 crime, histories of trauma and abuse, which significantly contributed to the commission of the crime, cannot be considered to lessen the woman’s sentence.
- **INCARCERATION:** For a woman with a history of victimization, experiences of victimization can continue during incarceration, perpetuated by staff, other incarcerated women, and by an abusive partner.<sup>23</sup>
- **REENTRY/COMMUNITY SUPERVISION:** Difficulties of reentry and the requirements of community supervision can be used by a batterer to control a woman who is released from jail or prison and/or is on community supervision. For example, during incarceration, the woman’s batterer forges his name on her lease so that he is in control of her apartment when she is released from prison; while on supervision, the woman’s batterer threatens to call the police and get her sent back to prison if she does not do what he wants.<sup>24</sup>

**Resources to better understand challenges and potential injustices faced at different stages of the criminal justice system:**

A Toolkit for Systems Advocacy on Behalf of Victims of Battering Charged with Crime, Sue Osthoff and Jane Sadusky, National Clearinghouse for Defense of Battered Women (December 2016)  
<https://www.ncdbw.org/pubs-toolkit>

Toolkit to End Violence Against Women, National Advisory Council on Violence Against Women, Chapter Four “Enhancing the Response of the Justice System: Criminal Remedies” specifically the section “Women Victims of Violence as Criminal Defendants” p. 19-21 (2001)  
<https://www.ncjrs.gov/pdffiles1/206041.pdf>

Offender Management and Supervision: Addressing Trauma, National Resource Center for Justice Involved Women  
<https://cjinvolvedwomen.org/correctional-environments/>

Victimized Again: How the Reentry Process Perpetuates Violence Against Survivors of Domestic Abuse, Courtney Cross, National Clearinghouse for Defense of Battered Women (October 2013)  
<https://www.ncdbw.org/victimized-again>



## RECOMMENDATIONS

### 1. Commitment by leadership

State and local leaders, including elected officials and agency leaders, stakeholders in the criminal system, and community-based organizations must recognize this population of women defendants, whose histories of victimization and trauma contributed to their convictions (“victim-defendants”); and must consider the injustices these women face in our systems to be of significant concern.

### 2. Assessment of and amendments to criminal laws, including sentencing, theories of crime, and criminal defenses, to create more just accountability for victim-defendants.

Our current criminal system has not developed with women in mind and is not well-designed to consider the involvement of defendants’ histories of victimization and trauma. This results in severe and unjust accountability.

The state should:

- Examine Oregon’s sentencing schemes and make amendments so that relevant histories of victimization and trauma can be properly considered as mitigating factors in sentencing for all crimes.
- Create an opportunity for victim-defendants, who were unable to adequately do so prior to incarceration, present mitigating evidence of how victimization and trauma contributed to their crime before a judge so that their sentences can be re-examined and reduced. Such an opportunity justly recognizes that many women prior to incarceration are unaware of or unable to articulate or present well their victimization as a contributing factor to their crimes.
- Examine theories of crimes, such as accomplice liability, and defenses, such as self-defense and duress, through the lens of victim-defendants and make amendments specific to the circumstances of these defendants to create more just case outcomes.

### 3. Review of and amendments to policies and procedure by criminal system stakeholders.

All stakeholders in the criminal system should thoroughly review their trainings, policies, and procedures to identify unnecessary injustices and further victimization that they may be imposing on victim-defendants; and make necessary and well-informed changes.



#### **4. Ongoing education and training of criminal system stakeholders.**

All stakeholders in the criminal system, including law enforcement, defense attorneys, prosecutors, judges, corrections staff, probation officers, and parole board members, should engage in on-going education and training about intimate partner violence and trauma. Education and training should be provided by experts and practically applicable to the stakeholder's role in the system and interactions with victim-defendants.

#### **5. Engagement by community-based organizations who serve survivors of domestic violence and trauma.**

Organizations who serve survivors of domestic violence and trauma must acknowledge this population of victim-defendants and educate themselves on the needs of victim-defendants through the processes of the criminal system. All jurisdictions in Oregon should have such community-based organizations engaged in supporting victim-defendants by providing direct services at all stages of the criminal process, i.e., arrest, pre-trial, in coordination with defense attorneys, during incarceration, during reentry, and while on community supervision; as well as serving as resources of expertise to criminal system stakeholders.

#### **6. Regularly scheduled discussions between stakeholders in the criminal system.**

In each jurisdiction, representatives from the various criminal system stakeholders, including community-based organizations who serve survivors of domestic violence and trauma, should meet regularly for joint trainings and discussions about their experiences with victim-defendants, so that all actors in the system can better understand each other's perspectives and identify ways for collaboration for more just outcomes for the victim-defendant population.

#### **7. More adequate availability of education and programs for victim-defendants in correctional facilities.**

Jails and prisons should have the necessary classes, programs, and counseling to meet the needs of victim-defendants so that they are better able to understand their experiences and be better positioned for stability upon release.

We were not able to discern from the women's responses the type of intimate partner violence that they experienced at the time of their arrest or as related to their conviction. Not all violence between partners is alike. Appropriate and effective interventions must consider the type of intimate partner violence involved.

The National Clearinghouse for the Defense of Battered Women (NCDBW), a national "resource and advocacy center for victims of battering charged with crimes related to their battering," describes three types of intimate partner violence. The purpose of their distinctions "is not to create 'typologies' for psychological profiling," but so that stakeholders can better create and use interventions that are appropriate for the situation and the defendant's needs.

1. "Battering or coercive controlling domestic violence, is an ongoing patterned use of intimidation, coercion, and violence, as well as other tactics of control to establish and maintain a relationship of dominance over an intimate partner. Battering is a systemic way utilizing various tactics to restrict an intimate partner's autonomy."
2. "Resistive violence, includes both legal and illegal use of violence, which is used by victims of battering in response to their abusers' use of coercive and controlling tactics against them or in reaction to other men's violence against them as women."
3. "Non-battering violence, which is violence used by one intimate partner or household member against the other that is neither an ongoing attempt to exert control through coercion or battering, nor a response to that coercion. A distinction of that type of domestic violence is that neither of the intimate partners or household members live in ongoing fear of each other because the person who perpetuated the violence does not believe that they are entitled to dominate and abuse them."

For the NCDBW's complete description of these three types of violence, see their report, "In Their Own Words: Victims of Battering Talk About Arrest and Conviction," (May 2017).

## CONTACT

For further information about the issues discussed in this report or the HerStory Oregon Survey, please contact the Oregon Justice Resource Center's Women's Justice Project Director and Attorney Julia Yoshimoto at [jyoshimoto@ojrc.info](mailto:jyoshimoto@ojrc.info).






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